

Message Text

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ACTION ARA-14

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-07
L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15
DHA-02 ACDA-07 MC-02 EB-07 COME-00 TRSE-00 OMB-01
AID-05 IGA-02 USIE-00 INRE-00 NSCE-00 SSO-00 /081 W
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FM AMEMBASSY MANAGUA

TO SECSTATE WASHDC IMMEDIATE NIACT 3843

C O N F I D E N T I A L SECTION 1 OF 2 MANAGUA 3450

E. O. 11652: GDS

TAGS: MASS, NU, SHUM, PFOR

SUBJECT: EXPORT LICENSES FOR SMALL ARMS AND AMMUNITION

REF: STATE 168961

1. SUMMARY: CHARGE DELIVERED MESSAGE ON SMALL ARMS SALES AS REQUESTED REFTEL. PRESIDENT SOMOZA WAS PLEASED ABOUT SPORTING WEAPONS, SAID HE WAS UNAWARE OF ANY PENDING POLICE PROCUREMENT ORDERS AND CONFIRMED THIS WITH GN. HE SAID HE HAS REQUESTED THAT SUPREME COURT HURRY DECISION ON APPEALS OF FSLN VERDICTS AND WILL LIFT STATE OF SIEGE AFTER COURT DECISION. HE STATED THAT HE INTENDS FOR CURRENT DETAINEES TO BE PROCESSED IN CIVIL COURTS. EMBASSY REQUESTS DEPT CLARIFICATION ON WHAT POLICE WEAPONRY IS BEING REQUESTED. END SUMMARY.

2. IN ACCORDANCE WITH INSTRUCTIONS IN REFTEL, I MET WITH PRESIDENT SOMOZA FOR NEARLY TWO HOURS THE EVENING OF JULY 20. I INFORMED PRESIDENT OF THE VARIOUS POINTS IN THE INSTRUCTIONS AND WILL SUMMARIZE HIS RESPONSES:
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A. SPORTING WEAPONS - SOMOZA WAS PLEASED THAT EXPORT LICENSES WILL BE ISSUED FOR GUNS AND AMMUNITION TO THE NATIONAL GUARD FOR RESALE FOR SPORTING AND PERSONAL DEFENSE PURPOSES ONCE THE EXPORTERS RESUBMIT THEIR REQUESTS SPECIFYING THAT THESE MUNITIONS ARE FOR SUCH PURPOSES. (I ASSUME THE DEPARTMENT WILL ADVISE THE EXPORTERS OF THE

ABOVE WITH NO FURTHER ACTION ON OUR PART OR BY THE GON.)

PRESIDENT SOMOZA SAID THAT A CONTINUATION OF A BAN ON SUCH SALES WOULD HAVE "MADE ENEMIES OF THE NICARAGUAN CAPITALISTS" SINCE THEY ARE THE ONES WHO PURCHASE SUCH WEAPONS FOR SPORTING OR PERSONAL DEFENSE PURPOSES.

B. POLICE WEAPONS - THE PRESIDENT HADA QUIZZICAL LOOK ON HIS FACE WHEN I DISCUSSED THE SALE OF POLICE WEAPONS TO NICARAGUA SAYING THAT HE HAD SEEN THE VARIOUS NEWSPAPER STORIES ON THE "EMBARGO" AND SAID THAT, TO THE BEST OF HIS KNOWLEDGE, NICARAGUA HAD NO PENDING ORDERS FOR POLICE WEAPONS. I TOLD HIM I HAD FIRST BEEN INFORMED THAT DAY THAT APPROXIMATELY A HALF DOZEN SUCH REQUESTS WERE PENDING BEFORE THE DEPARTMENT FROM COMMERCIAL EXPORTERS. PRESIDENT THEN CALLED GENERAL FERNANDEZ, GN-3 (CHIEF OF OPERATIONS) OF THE NATIONAL GUARD, AND ASKED HIM ABOUT ORDERS, BUT FERNANDEZ REPLIED THAT HE KNEW OF NO PENDING REQUESTS FOR POLICE WEAPONS OR EQUIPMENT FOR THE GUARD. I TOLD THE PRESIDENT I WOULD REQUEST MORE SPECIFIC INFORMATION AND WOULD GET BACK TO HIM WITH IT.

C. FY 1977 SECURITY ASSISTANCE - SOMOZA SAID HE UNDERSTOOD A REVIEW OF OUR ARMS EXPORT AND FMS POLICY TOWARD NICARAGUA WAS UNDER WAY BUT REFRAINED FROM SPECIFIC COMMENT DURING THAT ASPECT OF OUR CONVERSATION. HE DID ASK ME, HOWEVER, TO REFRESH HIS MEMORY ON WHAT ITEMS WERE INVOLVED UNDER FY 77 FUNDS AND I TOLD HIM I THOUGHT THAT MACHINE GUNS, GLUNADE LAUNCHERS AND RIFLE AMMUNITION WERE THE MAIN
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ITEMS.

D. FY 1978 SECURITY ASSISTANCE - WHEN I MENTIONED THAT THE SENATE WAS STILL CONSIDERING SECURITY ASSISTANCE LEGISLATION FOR FY 1978, SOMOZA COMMENTED THAT HIS UNDERSTANDING WAS THAT THE LEGISLATION PRESENTLY UNDER CONSIDERATION CONTAINED NO RESTRICTIONS FOR MILITARY ASSISTANCE TO NICARAGUA. I RESPONDED THAT, ALTHOUGH THERE MAY BE NO CONDITIONS VIS-A-VIS NICARAGUA BUILT INTO THE WORDING OF THE 1978 SECURITY ASSISTANCE LEGISLATION, THE USG (DEPARTMENT OF STATE) WAS COMMITTED TO CONSULT WITH THE HOUSE APPROPRIATIONS COMMITTEE AND THAT A JOINT DETERMINATION THAT THERE HAD BEEN IMPROVEMENT IN THE HUMAN RIGHTS SITUATION WOULD HAVE TO BE REACHED PRIOR TO THE SIGNING OF AN FY 78 AGREEMENT WITH NICARAGUA.

3. IN A GENERAL DISCUSSION ON HUMAN RIGHTS AND SECURITY ASSISTANCE, PRESIDENT SOMOZA MADE SEVERAL OBSERVATIONS WORTH NOTING. ONE WAS HIS COMMENT ON WHAT HE CALLED OUR "PATRONIZING" APPROACH: "YOUR GOVERNMENT IS TELLING ME IF WE ARE GOOD BOYS WE WILL GET A GIFT." I RESPONDED BY QUOTING CONGRESSMAN WILSON (D-TEXAS) WHO, DURING HIS RECENT VISIT, REPLIED TO A NEWSMAN, STATING THAT THERE IS NO

CONFLICT AMONG THE NON-INTERVENTION STATEMENTS OF PRESIDENT CARTER TO THE OAS, THE CONTENT OF THE UNIVERSAL DECLARATION ON HUMAN RIGHTS, AND THE MILITARY ASSISTANCE POLICIES OF OUR ADMINISTRATION. WILSON SAID, "THERE IS NOTHING IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS THAT SAYS WE HAVE TO GIVE MILITARY ASSISTANCE TO ANYONE." WE DWELT ON THIS SUBJECT FOR SOME TIME WITH THE PRESIDENT SAYING THAT THE 20- SOME YEARS OF SECURITY ASSISTANCE AGREEMENTS HAD BEEN REACHED AND SIGNED BECAUSE THERE WERE OBVIOUS FITS TO EACH COUNTRY AND THAT NOW THERE WERE CERTAIN UNILATERAL DETERMINATIONS BEING MADE BY US. I SAID THAT SECURITY ASSISTANCE AGREEMENTS WERE SIGNED BETWEEN FRIENDLY NATIONS AND THAT WE HOPED TO CONTINUE THAT KIND OF RELATIONSHIP. NONETHELESS, CONCERN FOR HUMAN RIGHTS IS A PROMINENT
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ELEMENT OF OUR CURRENT FOREIGN POLICY AND HUMAN RIGHTS CONSIDERATIONS WOULD BE OF PRIME IMPORTANCE IN ALL FUTURE SECURITY ASSISTANCE DECISIONS.

4. SOMOZA ALSO INDIRECTLY QUESTIONED OUR MORAL QUALIFICATIONS FOR JUDGING OTHERS. HE SAID THAT HE REALIZES RACIAL AND OTHER TRADITIONAL DISCRIMINATORY PRACTICES IN THE UNITED STATES HAVE IMPROVED SUBSTANTIALLY IN RECENT YEARS EDZ THAT LAST WEEK'S NEW YORK CITY BLACK-OUT RIOTING DID

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NOT HELP US IN THIS RESPECT. FYI: I HAVE NOTED LATELY THAT PRESIDENT SOMOZA FREQUENTLY MAKES REFERENCE TO RACIAL AND ETHNIC DISCRIMINATION IN THE U.S. WHICH I THINK IS LARGELY BASED ON EVENTS OR IMPRESSIONS FROM HIS STUDENT DAYS IN THE U.S. SOME 30 YEARS AGO. HE HAS COMMENTED ON PRESSURES HE FELT AS A LATIN DURING THOSE DAYS AND GENERAL ATTITUDES IN THE U.S. TOWARDS OTHER LATINS, BLACKS AND U.S. INDIANS. SOMOZA'S PERCEPTIONS FROM THE FORTIES SEEM NOT TO HAVE CHANGED DESPITE HIS FREQUENT VISITS TO THE STATES, WHICH ARE USUALLY BRIEF AND FOR SPECIFIC MEETINGS. I AM NOT SURE THAT HE IS FULLY AWARE OF THE SOCIAL CHANGES THAT HAVE TAKEN PLACE AT LEAST IN THE LAST DECADE OR TWO IN OUR COUNTRY. GOING BACK TO A CONVERSATION I HAD WITH HIM A MONTH OR SO AGO ON SEEKING AGREEMENT FOR AMBASSADOR DESIGNATE SOLAUN, HE WAS PARTICULARLY CRITICAL OF THE COLOMBIANS BASED ON THE NEWSPAPER ACCOUNTS OF THEIR REACTION TO OUR NOMINATION OF PROFESSOR CABRANES AS AMBASSADOR TO COLOMBIA. AT THAT TIME HE SAID THAT "IT IS ABOUT TIME THAT SOME PEOPLE IN CERTAIN COUNTRIES, INCLUDING YOUR COUNTRY, START RECOGNIZING THE UNIVERSALITY OF THE BREED." MILLETT'S RECENT BOOK ON THE NATIONAL GUARD, "GUARDIANS OF THE DYNASTY," MENTIONS THE PERSECUTION COMPLEX OF SOMOZA WHICH SEEMED OBVIOUS SOME 20 YEARS AGO. CONFIDENTIAL

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I THINK THAT PERHAPS SUCH A COMPLEX MAY BE MANIFESTED IN HIS CONCERN OVER THE TREATMENT OF MINORITIES BY OTHERS. SURPRISINGLY OR NOT, BASED ON THE STANDARDS OF THOSE DOING THE JUDGING, HE OUGHT TO BE GIVEN HIGH MARKS FOR HIS THINKING AND ATTITUDES ON MATTERS RELATED TO RACIAL, ETHNIC AND MINORITY MATTERS.

5. WE THEN DISCUSSED THE QUESTION OF MEASURING IMPROVEMENT IN PERFORMANCE ON HUMAN RIGHTS. I TOLD THE PRESIDENT IT WAS OBVIOUS THAT MEASUREMENT MECHANISMS WERE VERY DIFFICULT TO ESTABLISH AND EMPLOY BUT THAT WE HAD NOTED WITH INTEREST HIS SEVERAL MEETINGS WITH THE NATIONAL GUARD COMMANDERS ON HUMAN RIGHTS. I SAID HSI STRONG EXPRESSIONS OF CONCERN THAT THE GUARD AVOID ABUSES WAS ENCOURAGING. I SAID THOSE KINDS OF LECTURES BY THE PRESIDENT AND COMMANDER-IN-CHIEF, IN MY MIND, MAKE IT CLEAR TO THE GUARD THAT IT IS GOV POLICY NOT TO ABUSE OR VIOLATE THE HUMAN RIGHTS OF NICARAGUANS. FYI: IT WE HAVE NOT MENTIONED THIS BEFORE, IT SHOULD BE NOTED THAT IN HIS MEETING WITH GUARD COMMANDERS O/A JULY 1, PRESIDENT SOMOZA AND A BILINGUAL OFFICER READ THE CONGRESSIONAL RECORD OF THE ENTIRE DEBATE ON THE HOUSE FLOOR RELATED TO SECURITY ASSISTANCE TO NICARAGUA, TRANSLATING IT INTO SPANISH FOR HIS MEN. HE SAID THAT THEY SHOULD KNOW THE

FULL EXTENT OF THE ARGUMENTS PRO AND CON IN U.S. CONGRESS ON MILITARY ASSISTANCE TO NICARAGUA. END FYI. I ALSO SAID TO THE PRESIDENT THAT THE DIMINUTION OF ALLEGATIONS OF HUMAN RIGHTS VIOLATIONS COMING FROM PRIESTS AND OTHERS IN THE RURAL AREAS WAS ANOTHER MEASURABLE INDICATIONS OF IMPROVEMENT OF THE HUMAN RIGHTS SITUATION IN NICARAGUA. ANOTHER CLEAR MEASURING INSTRUMENT, I SAID, TO US AND TO MANY PEOPLE IN WASHINGTON WOULD BE THE PROMPT LIFTING OF THE STATE OF SIEGE.

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6. SOMOZA ONCE MORE ANSWERED THAT THE STATE OF SIEGE WOULD BE LIFTED AS SOON AS THE SUPREME COURT HAD COMPLETED ACTION ON THE APPEALS THAT WERE STILL PENDING FROM THE MILITARY TRIBUNALS. SOMOZA SAID TWO NEW THINGS OF PARTICULAR INTEREST ON THIS SUBJECT. HE SAID SPECIFICALLY THAT IF THERE HAD BEEN NO APPEALS, HE WOULD HAVE LIFTED THE STATE OF SIEGE BY NOW. HE ALSO SAID THAT IF HE LIFTS THE STATE OF SIEGE TODAY AND THE SUPREME COURT, FOR TECHNICAL OR OTHER REASONS, THEN REJECTS OR SENDS BACK THE FINDINGS OF THE MILITARY COURT, HE WOULD BE IN AN EMBARRASSINGLY DIFFICULT POSITION. HE WOULD EITHER HAVE TO RE-IMPOSE THE STATE OF SIEGE TO RE-ESTABLISH THE AUTHORITY OF THE MILITARY COURTS OR HE WOULD HAVE TO TURN OVER THOSE REJECTED CASES TO A CIVILIAN TRIBUNAL WHICH WOULD LEAD TO NEVER-ENDING JURIDICAL COMPLICATIONS. THEREFORE, HE SAID, HE HAS TOLD THE SUPREME COURT TO EXERT EXTREME EFFORT AND WORK LONGER HOURS TO MAKE ITS DETERMINATIONS AS RAPIDLY AS POSSIBLE ON THE PENDING CASES.

7. I TOLD THE PRESIDENT OF A PREVALENT CONCERN BY SOME ABOUT DETAINEES WHO WERE NOT BEING EITHER RELEASED OR PROSECUTED PROMPTLY. HE SAID THAT TO THE BEST OF HIS KNOWLEDGE, THERE WERE PERHAPS A DOZEN SUCH DETAINEES, ALL NOW IN MANAGUA, A FEW OF WHOM HAD BEEN HELD FOR AS MUCH AS A YEAR, OTHERS FOR MUCH SHORTER PERIODS, BECAUSE OF LEGAL/INVESTIGATORY REASON. THIS IS FIRST EMBASSY KNOWLEDGE OF ANY CURRENTLY HELD LONG-TERM DETAINEES. HE SAID THAT MOST OF THOSE PEOPLE HAD CONFESSED TO CRIMES, INCLUDING MURDER, AND THAT THE FULL DETAILS HAD NOT BEEN COMPLETELY INVESTIGATED AND THAT THEREFORE NO FINAL ACTION COULD BE TAKEN ON THEM. HE REPEATED THAT THE NUMBERS WERE VERY SMALL, SAYING PERHAPS 10-12, AND THAT THESE CASES WOULD MOVE AHEAD AS SOON AS POSSIBLE.

8. HE ALSO SAID THAT SOME OTHER DETAINEES, PICKED UP
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FOLLOWING VARIOUS (PRINCIPALLY URBAN) TERRORIST INCIDENTS WITHIN THE LAST MONTH OR SO, WOULD PROBABLY BE TRIED IN CIVILIAN COURTS ONCE THE STATE OF SIEGE IS LIFTED. HE SPECIFICALLY SAID THAT HE WOULD NOT KEEP THE STATE OF SIEGE IN EFFECT TO TRY THESE PEOPLE WHO ARE CONNECTED TO RECENT SHOOTINGS AND OTHER VILENT INCIDENTS.

9. TWICE DURING THE CONVERSATION, PRESIDENT SOMOZA SAID "YOU GUYS ARE GOING ABOUT THIS THE WRONG WAY." THIS WAS FOLLOWED BY A LONG PAUSE EACH TIME. I TOLD THE PRESIDENT THAT I PERSONALLY, AND MY GOVERNMENT OFFICIALLY, WOULD BE GLAD TO RECEIVE ANY COMMENTS OR SUGGESTIONS HE MIGHT OFFER ON THIS SUBJECT. I ASSURED HIM THAT THE IMPROVE-
MENT OF THE HUMAN RIGHTS SITUATION IN THE WORLD WAS A MAJOR FOREIGN POLICY OBJECTIVE TO WHICH WE WERE THOROUGHLY COMMITTED. I SAID THAT ITS ACHIEVEMENT WAS THE SUBJECT OF WIDE RANIN
G
DEBATE AND ANY CONTRIBUTION FROM ANY SOURCE WOULD BE WELL RECEIVED AND SERIOUSLY CONSIDERED NOW OR IN THE FUTURE. PRESIDENT SOMOZA DID NOT TAKE ME UP ON THE OFFER. I PROPOSE TO REPEAT IT IF AN APPROPRIATE OCCASION ARISES IN THE FUTURE.

10. ACTION REQUESTED: EMBASSY WOULD APPRECIATE LISTING OF OUTSTANDING COMMERCIAL EXPORT LICENSE REQUESTS FOR POLICE WEAPONS.
RUBENSTEIN

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Message Attributes

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Disposition Approved on Date:
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Disposition Date: 22 May 2009
Disposition Event:
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